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Report of the Working Group on the issue of discrimination against women in law and in practice

Addendum

Mission to Peru*, **, ***

Summary

The Working Group on the issue of discrimination against women in law and in practice conducted a visit to Peru from 11 to 19 September 2014. The present report describes the context surrounding gender equality and the human rights of women in Peru and analyses related achievements and challenges. It examines the legal, institutional and policy framework for promoting equality and the participation and empowerment of women in economic, social, political and public life, with particular attention to women in situations of vulnerability. The Working Group makes recommendations for eliminating discrimination and promoting equality.

* The summary of the present report is circulated in all official languages. The report itself, contained in the annex to the summary, is circulated in the language of submission and in English.

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Annex

[*English and Spanish only*]

Report of the Working Group on the issue of discrimination in law and in practice on its mission to Peru (11 to 19 September 2014)

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I. Introduction

A. The visit

1. The Working Group on the issue of discrimination against women in law and in practice visited Peru from 11 to 19 September 2014 at the invitation of the Government. It met with stakeholders in Lima and Ayacucho. The Working Group wishes to thank the Government for its assistance in the organization of this visit and for its cooperation during the mission.

2. In Lima, the Working Group met with the Minister for Foreign Affairs, the Minister for Women and Vulnerable Groups, the Deputy Minister for Women, the Office of the President of the Council of Ministers, the chairperson of the National Elections Board, two judges, including the Chief Justice of the Supreme Court, the Attorney General, representatives of the Ministry of Justice and Human Rights, the Ministry of the Interior, the Ministry of Development and Social Inclusion, the Ministry of the Economy and Finance, the Ministry of Education, the Ministry of Health, the Ministry of Culture and the Ministry of Labour and Job Creation and the National Network of Women Authorities. It also met with members of Congress and the female Peruvian member of the Andean Parliament. In Ayacucho, the Working Group met with the President of the regional government, the mayor of the provincial municipality of Huamanga and the local branch of the Ombudsman's Office. It also visited the Women's Emergency Centre.

3. During its visit, the Working Group also met with representatives of the Ombudsman's Office and of civil society. In Lima, it visited and met with a group of women from soup kitchens and visited a school in San Juan de Lurigancho. In Ayacucho, it met with civil society and a nun. It also met with the United Nations country team and wishes to thank in particular the Human Rights Adviser of the United Nations Development Programme for her very valuable support.

B. Context

4. In the past decade, Peru has experienced rapid and sustained economic growth and has been classified by the World Bank as an upper-middle-income country. The poverty rate fell from 58.7 per cent in 2004 to 23.9 per cent in 2013. However, the country's human development index has barely improved. Peru is characterized by marked inequalities, regional inequalities in particular: in rural areas, the poverty rate is 54 per cent. The rate of chronic malnutrition in urban areas is 18 per cent, whereas in rural areas it is 32 per cent.[1] People who belong to ethnic minorities, have disabilities, who live in rural areas of the highlands and the jungle or whose mother tongue is an indigenous language have neither access to public services nor the opportunities available to those whose mother tongue is Spanish and who live in urban areas.

5. The increasing economic development has not brought decent work opportunities for the vast majority of the population, and the lack of job security affects women greatly, particularly in rural and Amazonian areas and in the highlands. The Working Group was informed that many women are emigrating as a result of economic hardships, which sometimes puts them in situations of increased vulnerability and fragility (trafficking and labour exploitation). The Working Group notes that the percentage of households headed by women rose from 23.8 per cent in 2009 to 26.5

[1] http://www.pe.undp.org/content/peru/es/home/mdgoverview/overview/mdg1.html

per cent in 2013 (28.5 per cent in urban areas and 21.2 per cent in rural areas).[2] These households are more likely to be affected by poverty: 31 per cent of them are poor, as opposed to 26.4 per cent of those headed by a man.

II. Legal, institutional and policy framework for women's equality and human rights

A. Legal framework

1. Progress

At international and regional level

6. Peru has ratified nearly every international and regional human rights instrument, in particular the Convention on the Elimination of All Forms of Discrimination against Women (in 1982) and the Optional Protocol thereto (in 2001) and the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Convention of Belém do Pará), and has committed to the Beijing Declaration and Platform for Action as well as the Millennium Development Goals. Peru has also ratified the International Labour Organization (ILO) Equal Remuneration Convention, 1951 (No. 100), ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), ILO Workers with Family Responsibilities Convention, 1981 (No. 156), ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169), and ILO Maternity Protection Convention, 2000 (No. 183).[3] Peru has not yet ratified the ILO Domestic Workers Convention, 2011 (No. 189).

At national level

7. The Working Group recognizes the considerable efforts made by the State in recent years to strengthen its legal framework in relation to the promotion and protection of women's human rights and gender equality. The Peruvian Constitution enshrines the right to equality and non-discrimination on the grounds of sex.

8. The Act on Equal Opportunities for Women and Men of 2007 was a significant legislative development. That Act adopts definitions of equality and discrimination consistent with those of the Convention on the Elimination of All Forms of Discrimination against Women. It states that the legislature should adopt rules that ensure the equal rights of men and women in the employment, economic, cultural, social, political and other spheres and provides for oversight of the implementation and enforcement of those rules and policies.

9. The Act aims, inter alia, to ensure the right to productive work, incorporating measures to prevent discrimination of any kind, guaranteeing equal access to employment, training, promotion and appropriate working conditions and equal pay for work of equal value.[4] The Act also guarantees the right to health in terms of the availability, quality, acceptability and accessibility of services, with special emphasis on sexual and reproductive rights, the prevention of teenage pregnancy and, in particular, the right to safe pregnancy and birth. It guarantees access to public education and the right to remain in school at all levels of the school system, on a basis of equality, especially in rural areas.

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[2] Informe de seguimiento Beijing +20, MESAGEN, UN Women, UNFPA, UNDP, 2015.

[3] Ratificado el 21 de marzo de 2015.

[4] Se incluye entre los derechos laborales la protección frente al hostigamiento sexual y la armonización de las responsabilidades familiares y laborales. También apunta hacia la formalización de las trabajadoras de la economía informal en las zonas urbanas y rurales y prevé que se garantice un trato no discriminatorio a las trabajadoras del hogar.

10. The Act on Equal Opportunities provides for the development of policies, plans and programmes to prevent, address and eliminate violence against women in all its forms and in all areas. It guarantees access to justice, driving changes to the discriminatory ideas, attitudes and values of judicial officials. It provides for the development of training programmes for judicial and law enforcement personnel that include material on gender, intercultural relations and human rights.

11. The Working Group also welcomes the Act, adopted in 2013, guaranteeing equal inheritance rights to men and women who are in de facto marriages.[5] It affords legal protection that contributes to equality by putting cohabitation on a par with marriage.

12. One significant achievement is the Act of 2011 that incorporates into the Criminal Code the crime of femicide, which it penalizes with the utmost severity, providing for aggravating circumstances and eliminating such prison benefits as semi-liberty and parole.[6]

13. The Working Group welcomes the Act of 2013 establishing the irrevocable dismissal of teaching or administrative personnel for acts of sexual violence; dismissal is a measure that aims to penalize sexual violence in the education system and at the same time create a deterrent.[7] It also welcomes the recent adoption of the Act amending the Criminal Code to make sexual harassment in the street an offence.

2. Challenges

14. The working group notes that articles 3 and 5 of the Act on Equal Opportunities refer to "*equidad de género*" (gender equity) rather than "*igualdad*" (equality), the more appropriate term. The State is obliged by various international instruments to respect, protect and implement women's right to equality and to prohibit discrimination against women on the basis of sex.[8] The promise of equity is not sufficient to ensure the right to equality and to live a life free from discrimination of all kinds. The Working Group also regrets that sexual orientation and gender identity were excluded from the list of protected categories. Many informants expressed regret that this ambitious and promising Act has not been systematically and effectively implemented.

15. The Working Group notes with concern the absence of a comprehensive legal framework for employment matters. By law, domestic workers and women working in export-oriented agricultural industries and the handicrafts sector have significantly fewer rights - for example, as far as minimum wages and working hours are concerned (see paragraph 47). The Working Group was informed of the preparation of various bills on the rights of domestic workers that propose, inter alia, reforms related to minimum wages, compensation for length of service, holidays and written contracts, as well as a ban on making the recruitment of female workers contingent on their wearing uniforms in public places. The Working Group regrets that these bills have not been adopted.

16. While the Working Group welcomes the adoption in 2009 of the Act giving public and private sector workers the right to parental leave,[9] which is a positive step towards promoting shared parental responsibility, it regrets that it provides for leave of only four consecutive working days for fathers.[10]

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[5] Ley N° 30007 de 2013

[6] Ley N° 30068 de 2011

[7] Ley N° 29988 de 2013

[8] CEDAW, Pacto Internacional de Derechos Civiles y Politicos y Pacto Internacional de Derechos Economicos, Sociales y Culturales

[9] Ley N° 29409 de 2009

[10] Segun la Ley N° 26644 de 1996 el derecho de descanso pre-natal y post-natal de la trabajadora

17. The Working Group regrets the failure to develop exhaustive legislation to comprehensively address the many forms taken by violence against women and the different areas in which it occurs. The Working Group was informed that a comprehensive bill on combating violence against women and the family, which establishes new protective measures for victims, is still pending adoption.

18. The Working Group regrets the failure to adopt bills aimed at rectifying the scant participation of women in public life, including Bill No. 3670, which proposed that the seven members of the Constitutional Court should include at least three women, Bill No. 3682 on the implementation of gender quotas in the appointment of judges and magistrates and Bill No. 4708 on the implementation of gender quotas.[11] The Group hopes that Bill No. 268-2011-JNE on regulating gender quotas for elections and setting up a mandatory system of rotating the candidates on electoral lists will be adopted.[12]

19. The Working Group notes that despite an impressive legal framework promoting women's rights and gender equality, there are still significant gaps in de jure and de facto equality. Although existing legislation strengthens the guarantee of access to justice, victims of discrimination face several obstacles to exercising their rights under that legislation, which seriously complicates enforcement of the anti-discrimination laws.

B. Access to justice

20. During its visit, the Working Group found that access to the judicial system by Peruvian women, especially rural and indigenous women, still faces significant obstacles that include the cost, distance and language barriers, lack of knowledge of their rights, lack of trust in the judiciary and the police, re-victimization and the threat of ostracism or stigma.

21. Although the Government has made some attempts to ensure that judicial personnel are trained on gender issues, there are still no clear mandates or procedures for them to follow to enforce anti-discrimination laws. The lack of adequate and sustained funding to make the administration of justice more gender-sensitive is also a major barrier. In 2014, a certification course on gender violence and women's fundamental rights was offered to sitting judges. The Working Group hopes that such initiatives to train members of the judiciary will take root and that they will expand to include the issue of gender equality, starting with initial training.

22. The Working Group notes that there has been no sign of a sustained and effective strategy to make judges more aware of gender issues. On several occasions, women's groups informed the Working Group that judges and other judicial officials are not gender-sensitive and do not treat women as subjects of rights. According to the information provided, in addition to the obstacles women face in reporting gender-based violence, the judicial system and the authorities still share a conservative outlook that gives priority to keeping the family together rather than protecting the rights of women.

23. Despite efforts to increase the number of women in the police and judiciary, there is an evident shortage of women at the highest levels of the judicial system (see paragraph 43). Nor does the Supreme Court or the National Council of the Judiciary

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gestante es de 90 días en total. En 2013 se aprobó la Ley N° 29992 estableciendo la extensión de descanso postnatal por treinta días adicionales en los casos de nacimiento múltiple o nacimiento de niños con discapacidad).

[11] Fueron presentados en el periodo parlamentario 2006-2011.

[12] Ubicando mujeres de forma alternada desde el primer lugar de la lista.

have a commission on gender, such as those found in most Latin American judicial systems, to ensure the appointment of female judges and monitor the incorporation of a gender-based approach in the practice of the courts.

24. The Working Group notes that the State has made progress with regard to recognition of the terrible consequences of the internal conflict between 1980 and 2000, as shown by the report of the Truth and Reconciliation Commission, the Comprehensive Reparations Plan launched in 2011 and the Central Register of Victims, the implementation of collective and individual economic reparations programmes, the construction of a memorial and other measures.

25. The Working Group was informed, however, that crimes against women during the conflict have not been adequately punished and their victims have not been compensated.[13] The compensation required by the National Compensation Plan of 2005 has not been systematically paid to the relatives of the thousands of missing persons, leaving many mothers, wives and children who lost male members of their families without proper redress.[14] Only a few of the many cases of sexual violence have been examined by the courts, and there have been no convictions, even though several cases are with the Attorney General's Office. Individual financial compensation was first paid in 2011, through Supreme Decree No. 051-2011-PCM, which capped compensation at 10,000 nuevos soles, including for rape victims. Measures demanded by the victims themselves, such as health care, symbolic, collective and educational reparations, have not been put in place. Associations of relatives of the victims of the internal conflict are pressing for crimes against women to be classified as crimes against humanity as a means of prosecuting the perpetrators.

26. During its visit, the Working Group was informed of numerous women who had been forcibly sterilized in the 1990s as a means of controlling the number of children born to women living in poverty.[15] The Working Group notes with regret that their cases have not been effectively investigated and that there have been no convictions or compensation. It regrets that, according to the testimonies of victims with whom the Working Group met, the women affected by the forced sterilizations carried out in inhumane conditions and with serious consequences for their physical and mental health continue to be denied the right to due process.[16]

C. Policies

27. The Peruvian State has developed numerous policies, plans and programmes aimed at achieving gender equality. Among the stated objectives of Plan Peru 2021 -

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[13] De manera general, la judicialización de casos de violaciones a los derechos humanos acaecidos durante el conflicto armado interno presentan diversas dificultades, especialmente en cuanto a la probanza de los hechos, la responsabilidad de los perpetradores (autoría y participación) y la tipificación del delito (temporalidad de la norma vigente aplicable e interpretación y aplicación del derecho internacional en el fuero nacional).

[14] Ley N° 28592. En él se reconoció a las personas que sufrieron violación sexual; sin embargo, no fueron reconocidas las otras formas de violencia sexual registradas por la Comisión de la Verdad y la Reconciliación. Por lo que el Consejo de Reparaciones incorporó en el Reglamento de inscripción en el Registro Único de Víctimas de la Violencia a quienes sufrieron esclavitud sexual, unión forzada, prostitución forzada y aborto forzado.

[15] En el marco del "Programa de Salud Reproductiva y Planificación Familiar 1996-2000".

[16] En el año 2011, la Fiscalía de la Nación emitió una resolución disponiendo la reapertura de las investigaciones de esterilizaciones forzadas, pero en 2014 se declaró nuevamente no ha lugar la denuncia penal contra el ex-Presidente y sus ministros de salud y otras autoridades vinculadas a las esterilizaciones forzadas. En mayo de 2015 la Tercera Fiscalía Superior Penal Nacional resolvió ampliar la investigación preliminar que permita esclarecer los hechos para emitir un nuevo pronunciamiento.

Strategic Plan for National Development, the Bicentennial Plan, is the elimination of gender discrimination. The National Human Rights Plan 2014-2016[17] has among its objectives the consolidation of a public policy for gender equality and the elimination of discrimination against women.[18] The Working Group regrets that the Equal Opportunities Plan for Persons with Disabilities 2009-2018 does not include measures to address the problems of women with disabilities.[19]

28. The National Gender Equality Plan 2012-2017, adopted within the framework of the Act on Equal Opportunities, is a public policy tool for gender mainstreaming at the national, regional and local levels.[20] This Plan's eight strategic objectives are to: (a) promote and strengthen mainstreaming of the gender approach at the three levels of government; (b) strengthen a culture of respect for and appreciation of gender differences; (c) narrow educational gaps between women and men; (d) improve women's health and ensure the sexual and reproductive rights of women and men; (e) ensure the economic rights of women in conditions of fairness and equal opportunities with men; (f) reduce the various forms of gender-based violence; (g) increase the participation of women in decision-making and political and civic life; and (h) highlight women's contributions to the sustainable management of natural resources. To measure progress, policy outcomes, targets and indicators, for which public agencies are responsible, have been put in place.

29. The National Plan to Combat Violence against Women (2009-2015), which recognizes domestic violence, sexual violence, femicide, sexual harassment, trafficking and homophobia as forms of violence against women, stresses the need to promote the transformation of sociocultural patterns that exacerbate violence against women, with a view to developing new forms of interaction, although the Working Group notes with regret that women with disabilities do not benefit from special protection under the Plan.[21] In addition, the National Plan of Action to Combat Trafficking in Persons 2011-2016, whose guiding principles are a gender perspective and equality, was adopted in 2011.

30. As a result of its sustained economic growth since 2000, Peru has increased public investment, with the national budget doubling between 2006 and 2013. This has had a positive impact on the monies earmarked for policies, programmes and operations aimed at social development and to some extent gender equality (for example, the direct cash transfers through the Programme for the Very Poor (JUNTOS), the Pension 65 National Assistance and Solidarity Programme and the Cooperation for Social Development Fund).[22] However, the Working Group was informed that these benefits reach only a fraction of the eligible population; it is to be hoped that budgets will increase suitably. In addition to direct cash transfers, which are temporary measures that do not in themselves lead to changes in the long-term situations of the beneficiaries, the Working Group stresses the need to implement measures that result in lasting improvements.

31. Several informants noted the difficulties at the national and regional levels of allocating sufficient funds to combat all forms of discrimination and implement

[17] http://www.minjus.gob.pe/wp-content/uploads/2014/07/DS-005-2014-JUS-Aprobacion_PNDH.pdf

[18] Incluyendo la reducción de los índices de violencia basada en razones de género, la reducción de la brecha salarial entre hombres y mujeres, la garantía de los derechos sexuales y reproductivos de las mujeres, la reducción de la brecha de matrícula de nivel secundario de las mujeres en áreas rurales, andinas y amazónicas.

[19] Observaciones finales del Comité sobre los Derechos de las Personas con Discapacidad, CRPD/C/PER/CO/1.

[20] http://www.mimp.gob.pe/files/planes/planig_2012_2017.pdf.

[21] CRPD/C/PER/CO/1.

[22] Asistencia escolar de las niñas por los pagos a las madres a través del programa Juntos, Ministerio de Desarrollo e Inclusión Social.

sustainable public policies. Many emphasized barriers such as the persistence and influence of conservative approaches (affecting sexual and reproductive rights in particular), a critical perspective too limited to analyse the real impact of government policies and the lack of a comprehensive prevention strategy ensuring sustained action.[23]

D. Institutional framework

32. The Ministry for Women and Vulnerable Groups, made up of three directorates general, is the country's lead agency for gender equality.[24] It has taken many initiatives aimed at promoting and protecting women's rights and gender equality, including the design, development, implementation, follow-up and monitoring of policies, thereby making possible progress in the field of regulation and in the development of sectoral, regional and local mechanisms. The Working Group regrets, however, that the Ministry does not have a budget large enough to thoroughly fulfil its mandate.

33. According to the information received, many ministries and public agencies have adopted gender-related policies or regulations. The Ministry of the Economy and Finance has provisions incorporating a gender focus into public investment plans. Although the budget framework needs to be strengthened, Peru is one of the countries in the region with the deepest commitment to gender-sensitive budgets.

34. The regional governments have developed policies on gender, as well as local structures and mechanisms, to ensure that a gender perspective is mainstreamed into the administrative processes of regional governments. Regional councils for women have been set up in most regional governments as forums for consultation and dialogue. However, laws and policies affecting women and girls are made at national level, and the Working Group was informed that the national budget for the implementation of these policies is not systematically adjusted to the current needs of the population in the regions. Several informants expressed regret that the regional authorities who are responsible for drawing up budgets, including the budgets for health and education, do not treat women's needs as a priority.

35. The Working Group notes with satisfaction the establishment of Women's Emergency Centres which, by offering legal, psychological and social support, provide multidisciplinary care to women victims of violence. The Working Group nonetheless found that they do not always have the human and financial resources to provide the necessary services.

36. Peruvian civil society also plays a crucial role in the promotion and protection of women's rights. In some cases it stands in for the State or holds it to account when it fails to meet its responsibilities.

37. The Working Group welcomes the Ministry for Women and Vulnerable Group's annual reports on the implementation of the Act on Equal Opportunities, which describe progress and challenges in 11 strategic areas of gender equality.[25] Since 2010,

[23] En terminos de monitoreo, es importante notar Sistema Nacional de Indicadores de Género (SNIG), el cual se empezo a implementar en el año 2013

[24] La Direccion General de Igualdad de Genero y No Discriminacion, la Dirección General de Transversalizacion del Enfoque de Genero (Ministerios, Gobiernos Regionales y Locales, Organismos Constitucionales Autónomos y la Dirección General contra la Violencia de Género

[25] 1) Aprobación de normatividad para la igualdad entre mujeres y hombres. 2) Incorporación del enfoque de género en la gestión pública. 3) Promoción de una cultura de respeto y valoración de las diferencias de género. 4) Reducción de brechas educativas entre mujeres y hombres. 5) Salud de las mujeres y derechos sexuales y reproductivos. 6) Derechos económicos y laborales de las mujeres. 7) Reducción y prevención de la violencia de género en sus diferentes expresiones. 8) La participación

the Ombudsman's Office, within the framework of its role in monitoring the implementation of the Act on Equal Opportunities, has submitted three reports on the budgets of regional governments and the extent to which their institutions incorporate equality policies. The Working Group was informed that budgets were very limited and was able to observe during its meetings with state agencies that despite constant use of the phrase "mainstreaming the gender perspective", there was no indication that the concept had been genuinely understood or assimilated.

III. Participation of women in political and public life, in economic and social life and in the family and cultural life

A. Participation in political and public life

38. The State has made significant efforts in terms of the political participation of women. Their participation has increased as a result of the acts on gender quotas, which call for women to make up at least 30 per cent of the candidates on electoral lists (the Congress, the Andean Parliament, the regional councils of regional governments and the councils of provincial and district municipalities).[26] This quota has led to some progress but has not managed to remedy a situation in which women clearly lag behind, as it fails ensure that women are elected to the offices for which they stand.

39. The major constraints include the fact that political parties assign women to places in which they are unlikely to be elected, as well as the limited framework for enforcing the Quotas Act and gender stereotypes that limit women's access to decision-making posts. The Working Group also received reports that female candidates or authorities were subjected to widespread political harassment, a new way of discouraging them from participating in politics. This serious problem hinders women's equal participation in political life. To prevent, eradicate and penalize this form of violence against women, the National Network of Women Local and Regional Authorities of Peru has proposed a bill that has not yet been debated.[27]

40. After having risen steadily to 29.2 per cent in 2006 the proportion of persons elected to Congress, fell to 21.5 per cent in the 2011 elections. After the 2010 elections, the proportion of women on regional government coordinating councils fell to less than 30 per cent, no woman was president of a region and only two held positions as regional vice-presidents; women accounted for only 28 per cent of the regional councillors. At local government level, women accounted for only 4.6 per cent of those elected mayor of a provincial municipality and 23.9 per cent of those elected councillor. They accounted for only 3.7 per cent of those elected mayor of a district municipality and 28 per cent of those elected councillor.

41. After the local elections of October 2014, women accounted for only 2.78 per cent of those elected mayor of a district municipality, 3.11 per cent of those elected mayor of a provincial municipality and 16 per cent of those elected vice-president of a region, in addition to winning the presidency of a single region, Arequipa; however, they accounted for 23.35 per cent of regional councillors, 29.10 per cent of district

política y ciudadana de las mujeres, 9) Aporte de las mujeres en el manejo sostenible de los recursos naturales, 10) Acceso en igualdad al sistema de justicia, 11) Mujeres rurales e inclusión social.

[26] Ley N° 26859 de 1997 modificada por la Ley N°27387 de 2000 (Congreso de la República), 26864 de 1997 modificada por la Ley N°27734 de 2002 (consejos municipales), Ley 27683 de 2002 (consejos regionales, Ley 28360 de 2004 (Parlamento Andino) y Ley N°28094 de 2003 (directivas de los partidos políticos).

[27] Red Nacional de las Mujeres Autoridades del Perú.

councillors and 25.56 per cent of provincial councillors. Women account for only 16.8 per cent of the newly elected office holders of indigenous origin.[28]

42. The Working Group notes with satisfaction that there has been an increase in the number of women holding senior positions in the various branches of government, including the President of Congress, the President of the Council of Ministers and other ministers and deputy ministers. The presence of women in the executive branch remains limited, however, only 6 of 19 ministries are headed by women (31.5 per cent).

43. Regarding the judiciary, women are concentrated in more junior positions and account for only 17 per cent of the senior judges, 27 per cent of the higher courts and 36 per cent of the special divisions.[29] Only 5 of the 13 members of the Attorney General's Office are women; only one of the nine members of the Constitutional Court is a woman; only 3 of the 19 Supreme Court judges are women; and of the six members of the National Council of the Judiciary only one is a woman.

B. Participation in economic and social life

1. Economic potential

44. Women continue to face numerous obstacles that prevent them from fulfilling their economic potential. Despite having increased by almost 10 per cent since 1997 (from 54.7 per cent to 64.5 per cent), the economic activity rate for women is still much lower than that for men (82 per cent). Underemployment rates are higher for women (58.8 per cent) than for men (37.6 per cent).[30]

45. Government programmes for technical assistance and employment do not systematically take a gender-focused approach to encouraging the training and employment of the large number of women who have no income of their own, which is essential to their autonomy and security within the family. Essential services to encourage women's economic participation (adequate public childcare, for instance) are not always available.[31] The Working Group notes with satisfaction the creation of the Ministry of Development and Social Inclusion's Cradle Plus (Cuña Más) national programme, the aim of which is to improve the care of children under 3 years of age in areas of poverty and extreme poverty. The Working Group hopes that such programmes will expand and become widespread.

46. Another major problem facing women is the high rate of informal employment. In all, 78.4 per cent of Peruvian women who work do so in the informal sector. Their income is 30 per cent of that of women in the formal sector.[32] There are specific challenges associated with the conditions of informal employment in rural areas, especially in traditional farming and in the modern agricultural establishments producing for the export market (often with no contractual relationship). In the former, women often find themselves as unpaid family workers; in this situation, they remain invisible and their contribution to the household economy cannot be measured. The informal labour of women leads to unstable work, without social insurance, annual leave, maternity or breastfeeding leave, health coverage or a retirement pension. The Working Group regrets to note that only 25.3 per cent of women who work (as opposed to 38.9 per cent of men) are enrolled in a pension plan - that is, a social

[28] Jurado Nacional de Elecciones (JNE), 2015.

[29] Informe de seguimiento Beijing +20.

[30] Perú: Brechas de Género, 2001-2013: Avances hacia la igualdad entre mujeres y hombres, INEI/ONU Mujeres.

[31] Informe de Seguimiento Beijing +20, MESAGEN, ONU Mujeres, UNFPA, UNDP.

[32] Informe Trabajo Informal, INEI, 2014.

protection system that includes the right to benefits for families and children, maternity, sickness or disability payments and an old-age pension.[33] The Working Group believes that the creation of more jobs for women in the formal sector is urgently needed and welcomes recent efforts made by the Government in this regard.[34]

47. The Working Group was informed that domestic workers, who make less than the minimum wage, are excluded from the Comprehensive Health Insurance System because they cannot enrol as formal workers, owing either to their employers' refusal or to their inability to pay the 13 per cent of the minimum wage in order to qualify; at the same time, however, they do not qualify as indigent.[35] The Working Group welcomes a recently adopted plan of action to promote compliance with the labour rights of domestic workers and the establishment of a working group to oversee and monitor their implementation. There is still a long way to go as far as schedules, sick leave and vacations are concerned.

48. The Working Group notes with great concern the existence of wide disparities in the average incomes from wages or self-employment of men and women. According to the United Nations Development Programme, Peru has the fourth largest gender pay gap in the region.[36] The pay gap between men and women is 30.3 per cent.[37] It also notes that a woman with a secondary education has approximately the earnings potential of a man with a primary education and that a woman with a post-secondary education has an average income that is much less than that of a man with the same educational level.

49. In the formal labour market, despite the provision of article 26 of the Constitution on equality of opportunity without discrimination and of Act No. 27270 of 2000, which makes discrimination an offence, awareness of women's rights to equal employment opportunities and to equal pay for equal work or for work of equal value is greatly lacking. During its visit, the Working Group found that victims of discrimination do not feel able to initiate civil proceedings to assert their rights.

2. Education

50. The Working Group congratulates Peru on the significant achievement of attaining gender parity in primary education. However, the dropout rates for girls at secondary school level, while not much higher than those for boys, are still worrying. The challenges in education have to do with its quality, the gap between urban and rural education, especially among girls who are growing up in different linguistic environments, and the rate of teenage pregnancy (see paragraph 66). Although Act No. 29600 requires that pregnant girls and teenage mothers should be given the opportunity to stay in school, there are still problems of stigmatization, discrimination and prejudice, which, together with the burden of childcare, contribute to dropout rates. Some 36.8 per cent of women have managed to study up to secondary school, as opposed to 46.5 per cent of men.[38] Rates of enrolment in higher education, at around 23 per cent in 2011, are still low.[39] Although the prevalence of illiteracy is falling, it still affects more women than men. According to the latest census, women accounted for 75 per cent of the illiterate population of Peru.[40]

[33] INEI, ONU Mujeres 2013.

[34] Estrategia Sectorial para la formalización laboral 2014-2016 aprobada el 29 de septiembre de 2014.

[35] Un 53,5% de las personas trabajadoras del hogar registradas tienen un seguro de salud.

[36] Estrategia de Igualdad de Género. PNUD. 2012.

[37] http://www.pe.undp.org/content/dam/peru/docs/Empoderamiento/Estrategia%20de%20Igualdad%20de%20Genero%20de%20PNUD%20Peru.pdf.

[38] http://www.inei.gob.pe/media/MenuRecursivo/publicaciones_digitales/Est/Lib1210/libro.pdf.

[39] PNUD 2012.

[40] http://www.defensoria.gob.pe/grupos-eatencion.php?des=23.

51. In the highlands and the jungle, girls have to travel long distances to school and are vulnerable to abuse and sexual violence on the way. Violence against girls in school, including sexual violence inflicted by teachers, is a serious problem. The Working Group was informed that the Government has taken a number of legal and policy measures to address violence, that some teachers have been convicted and given prison sentences and that others are being prosecuted.

52. The Working Group believes that significant investment in education is necessary, particularly in remote areas, to ensure that girls stay in and finish secondary school. It also stresses the need to promote a democratic school culture that encourages gender equality in the teaching processes (curricula, teacher training, texts and material, comprehensive sex education) and combats any form of violence at school (stereotypes, discrimination, harassment, and abuse). In this regard, it is important to ensure the availability of texts and material free of discriminatory connotations and gender stereotypes, as well as separate toilets for each sex.

C. Participation in the family and in cultural life

53. During its visit, the Working Group noted that patriarchal patterns of behaviour, attitudes, expectations, beliefs and practices discriminating against and denigrating girls and women remain widespread. Women living in rural areas and women members of ethnic minorities (indigenous, Amazonian and Afro-Peruvian peoples) are among those worst affected by oppression and discrimination.

54. Although gender role models have changed for the better and much has been done by the State to promote such changes, men are still expected to be the family bread-winners while women do the housework, raise the children and look after any other dependants.

55. Notwithstanding government[41] efforts to promote responsibility-sharing, one of the reasons women rarely have the time to attend training courses is because they are expected to do most of the domestic chores. Unpaid work takes up more than half (52 per cent) of women's time, compared to only 24 per cent for men. On average, women spend 39 hours and 28 minutes a week performing unpaid work, while the figure for men stands at 15 hours and 53 minutes. The Working Group believes that existing legislation and policies on the work-life balance must be improved. Above all, a sustainable awareness-raising strategy must be developed to make responsibility-sharing between men and women a reality in terms of childrearing, housework and caring for other adult dependants, enabling all to benefit from personal and professional development.

56. The Working Group notes with concern the link between the inequality affecting women within the family and their limited participation in political and economic life. Patriarchal attitudes in Peru also perpetuate domestic violence and other forms of violence committed outside the home (see paragraphs 76 to 80 below).

57. The media play a key role in forming attitudes towards gender. The Working Group was informed that Peruvian television channels and advertising in general continue to reinforce sexist gender stereotypes, which link men to intelligence, sport and toughness while portraying women as either housewives or sexual objects keen to attract men's attention.[42] The Working Group notes with satisfaction the ongoing efforts of the Advisory Council on Radio and Television to develop ways of dealing

[41] Ver Guia de Buenas Practicas en materia de conciliacion del Trabajo y la Vida Personal, Ministerio de Trabajo y Promocion del Empleo

[42] Informe de Seguimiento Beijing +20

with information on the basis of respect for rights, gender equality and non-discrimination.

58. In addition to those degrading stereotypes, there are other forms of discrimination that target ethnic minority women. For example, women from Andean communities tend to be presented as being dirty, ignorant, violent and rude.[43] Women of African descent are invariably portrayed as being slender, young and tall and capable only of dancing or playing sports.

59. The issue of gender equality is almost completely ignored by the written press, radio and television, constituting only 0.5 per cent of coverage. Gender violence is reported in a graphic manner but no attempt is made to raise the issue with the authorities. News stories on gender issues refer, in 95.8 per cent of cases, to the decriminalization of abortion or to same-sex civil union. The media are heavily influenced by conservative elements of the catholic church, discouraging any positive discussion of women's human rights and gender equality. Although the Peruvian Constitution stipulates that the State[44] is secular in nature, the Working Group was informed that conservative religious groups exert considerable influence over political decision-making bodies and public opinion. Family life and women's reproductive health and general well-being are affected as a result.

IV. The right to health

60. The Working Group welcomes government efforts to introduce universal health coverage through a comprehensive health insurance scheme for women living in poverty. According to official figures, 67 per cent of the population enjoys 80 per cent coverage. However, a number of sources reported that adequate health services are available only on a limited basis; consequently, public health service coverage does not guarantee access to appropriate diagnosis, treatment or medicines. Many women are unable to use health services for financial reasons, or because they live far from the nearest health centre. Although very low, medical fees affect women living in poverty in particular, limiting their access to care.

Sexual and reproductive rights and health

61. The maternal mortality rate, a particularly telling indicator of the situation of women, of their access to health services and the extent to which the health-care system caters for their needs, remains extremely high. Notwithstanding the State's efforts, Peru still has one of the highest maternal mortality rates in the region, a situation which affects the country's mountain and jungle regions and pregnant indigenous women in particular. The State has developed a national strategic plan for reducing maternal and perinatal mortality (2009-2015), together with a range of measures to provide early care for pregnant women that reduced the maternal mortality rate by 36 per cent between 2000 and 2010 (from 160 maternal deaths to 93 maternal deaths per 100,000 live births).

[43] Ver caso emblematico del programa de la Paisana Jacinta retirado recientemente de la television. En agosto 2014 el CERD expreso su preocupacion "por las actitudes discriminatorias que aún se encuentran profundamente arraigadas en la sociedad peruana y lamenta que en los medios de comunicacion persista la difusion de estereotipos negativos de pueblos indigenas y de afroperuanos, como es el caso del programa televisivo La Paisana Jacinta". CERD/C/PER/CO/18.

[44] Art. 50: "Dentro de un regimen de independencia y autonomia, el Estado reconoce a la Iglesia Catolica como elemento importante en la formacion historica, cultural y moral del Peru, y le presta su colaboracion. El Estado respeta otras confesiones y puede establecer formas de colaboracion con ellas".

62. The Working Group is deeply concerned by the flagrant violations of Peruvian women's sexual and reproductive rights. The experts were informed that exceptions to the criminalization of abortion[45] are limited to therapeutic abortions performed to save the life and protect the health of pregnant women. The Working Group finds it regrettable that no exception is made to the criminalization of abortion when there is a risk to the mental health of the woman, or in cases of rape, incest, severe foetal abnormalities or non-viable foetuses. It regrets that the bill on the decriminalization of abortion in cases of pregnancy resulting from rape was shelved by the Justice and Human Rights Committee of the Congress of the Republic in May 2015. In its concluding observations, the Committee on the Elimination of Discrimination against Women reiterated its concerns that abortion in cases of pregnancy resulting from rape[46] or incest is criminalized and that the restrictive interpretation of therapeutic abortion may lead women to seek unsafe and illegal abortions. According to information provided by the Attorney General's Office, a total of 717 offences of abortion were recorded between 2010 and 2013.

63. Unwanted pregnancies may lead women to seek an abortion, an operation carried out in unhealthy and dangerous conditions in the case of poor women. It is estimated that each year around 370,000 clandestine abortions are performed in Peru and that a large number of registered cases of maternal death, particularly those linked to infections or haemorrhages, are caused by complications brought on by an abortion.

64. The Working Group welcomes the adoption of the national technical manual on the harmonization of comprehensive care procedures for women undergoing a voluntary therapeutic termination of pregnancy up to the twenty-second week of gestation. Given the lack of any relevant rules or protocols, many physicians previously refused to carry out abortions and a large number of women opted for clandestine procedures. In the absence of regulations ensuring access to legal abortion services, women were forced to continue pregnancies that placed them at risk, as in the case of the adolescent K.L., whose case against the Peruvian State gave rise to a Human Rights Committee decision in 2005.[47]

65. The Working Group is particularly concerned at the discrimination experienced by women living in poverty in respect of their reproductive rights. The Constitutional Court banned the distribution of free emergency contraception in 2009, even in cases of rape, despite the fact that private pharmacies are authorized to sell emergency contraception to those who can afford it. Moreover, according to information received, the public health system does not have sufficient stocks of contraceptives. The Working Group was informed that women with enough money could access abortion services in private clinics in Peru or by simply travelling abroad, underlining the fact that women living in poverty suffer from higher levels of discrimination.

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[45] Legal en el Peru desde el año 1924 tal como se precisa en el articulo 119° del actual Código Penal del Peru

[46] Ver tambien caso L C vs Peru L C CEDAW/C/50/D/22/2009, 2011, considera que el Estado peruano ha violado su derecho a la salud de la mano con el incumplimiento de la obligación estatal de modificar patrones socioculturales discriminatorios, de adoptar todas las medidas adecuadas para garantizar la protección de las mujeres contra actos de discriminación y para modificar o derogar leyes que constituyan discriminación contra la mujer. Consideró que el Estado peruano violó los derechos de la menor L C al negarle un aborto terapéutico, y formuló algunas indicaciones entre ellas: "Establecer un mecanismo para el acceso efectivo al aborto terapéutico

[47] K L en el año 2001 gesto un feto anencefalico y un Hospital Publico de Lima le negó el acceso al servicio de aborto terapeutico pese a que su médico ginecologo le había recomendado interrumpir su embarazo, y pese a que se acredito riesgo de un mal grave y permanente para su salud física y mental Caso K L vs Peru-Comunicación N° 1153/2003, aprobado por el Comité de Derechos Humanos de Naciones Unidas el 24 de octubre de 2005

Adolescent pregnancy

66. Adolescent pregnancy is a persistent problem in Peru. The rate remains alarmingly high, despite preventive efforts. In all, 15 per cent of Peruvian girls and women aged between 15 and 20 years are or have been pregnant. The rate is particularly high in the regions of Loreto (30 per cent), Ucayali (28 per cent), San Martin (28 per cent), Madre de Dios (27 per cent) and Amazonas (26 per cent).[48] According to the World Health Organization, adolescent pregnancy entails a high level of risk and an increased probability of complications or death. Minors are unable to obtain methods of contraception through the public health system unless accompanied by a guardian, a measure which dissuades adolescents from requesting it.[49] A multisectoral adolescent pregnancy prevention plan for 2013-2021 was adopted in 2013. As a part of the plan, a number of ministries[50] and regional and local governments were assigned responsibilities for reducing the adolescent pregnancy rate.

67. Adolescent pregnancy leads to school dropout among young expectant mothers. Nine out of ten adolescent mothers do not attend school. The legislation that exists to protect and promote the right of girls to remain in or return to school has not been sufficiently disseminated or implemented.[51] Unlike its predecessor, the new curriculum includes comprehensive sex education as a part of basic personal skills development. However, the subject has reportedly not yet been introduced across the education system as a whole.

V. Women who face multiple forms of discrimination

A. Indigenous women

68. Peru has a wealth of cultural diversity but has not always valued it as an asset. Notwithstanding the State's efforts to improve the situation of the country's indigenous peoples, as a result of discrimination and oppression, they rarely exercise their rights or take part in decision-making processes.[52] During its visit, the Working Group met with various indigenous women's groups, who drew attention to the increase in precariousness and human rights violations affecting indigenous peoples. For example, as regards access to education, the school dropout rate among indigenous girls aged between 12 and 16 years is 89.1 per cent. In 2011, the maternal mortality rate of 160.5 maternal deaths per 100,000 live births in the jungle region of Peru was higher than in the coastal and highland regions; in the highlands there were 145.2 maternal deaths per 100,000 live births[53] (the national average is 93 maternal deaths per 100,000 live births).

69. Notwithstanding their beneficial effect on the Peruvian economy and despite the regulatory efforts of the Ministry of Energy and Mining, the extractive industries have had a devastating social and environmental impact on indigenous and campesino communities, which has been exacerbated by illegal informal mining operations. The Working Group notes with concern that highly misogynistic attitudes are widespread.

[48] UNICEF-INEI. Estado de la Niñez en el Perú. Lima, febrero 2011.

[49] De acuerdo al artículo 4° de la Ley General de Salud, se condiciona la atención de los/ as adolescentes mayores de 14 años de edad en los servicios de salud -incluidos los vinculados a la atención de la salud sexual y reproductiva la presencia y/o consentimiento de sus padres o tutores.

[50] Educación, de la Mujer y Poblaciones Vulnerables, Salud, Justicia y Derechos Humanos, Trabajo y Promoción del Empleo.

[51] Informe de Seguimiento Beijing +20, 2015.

[52] http://www.defensoria.gob.pe/grupos-eatencion.php?des=20.

[53] Informe de Seguimiento Beijing +20.

A number of indigenous women's groups informed the Working Group that the impact of the extractive industries was akin to a form of violence against both themselves and their cultural heritage. They are deprived of their lands, drinking water and means of subsistence and agricultural production. Compensation payments for communal land are mainly paid to men heads of households. Jobs created by the extractive industries are usually reserved for men,[54] although there is significant demand for related services,[55] usually provided by women. However, the large number of men and the absence of public security agencies have created problems such as a demand for prostitutes (including girls), trafficking in persons, a high rate of alcohol consumption and an increase in violence against women. Little has been done by the authorities to tackle these issues, which harmfully affect the health and security of local communities.

70. The Working Group was also informed that women forced from their lands have no option but to move to the cities, and that the authorities do nothing to provide them with the skills they require to support themselves and their children in an alien environment in which they face extreme poverty, severe discrimination and both sexual and labour exploitation.

71. Under the Indigenous and Tribal Peoples Convention, 1989, (No. 169) of the International Labour Organization (ILO), Peru has a duty to consult with indigenous and tribal peoples, without discriminating on the basis of gender, before authorizing any programmes for the exploitation of natural resources pertaining to their lands. The Working Group was informed that during previous consultations on the granting of concessions to actors in the extractive industries, no measures were taken to involve women in the process and a request for a quota of women participants was turned down. According to a number of sources, indigenous women are generally excluded from joint consultations, including those focusing on issues that affect only them.

B. Women of African descent

72. The Working Group notes with concern the paucity of studies on the Afro-Peruvian population and the consequent lack of specific information on the group's living conditions and access to public services. However, a number of sources described the discrimination, complete lack of visibility and stagnation affecting those communities. According to the United Nations Development Programme, although the illiteracy rate in Peru has fallen, 8.6 per cent[56] of illiterate persons in the country are Afro-Peruvian (in statistical terms, this figure is similar to that for indigenous peoples). The illiteracy rate for Afro-Peruvian women is 6.7 per cent higher than that for Afro-Peruvian men, proof of the inequalities they face in terms of education.

73. A report published by the Office of the Ombudsman criticized the way in which health-care staff interact with women of African descent. According to a number of testimonies, women of African descent experience verbal abuse and insults. In all, 54.5 per cent of Afro-Peruvians report that they have experienced discrimination and verbal abuse in public, with Afro-Peruvian women being the group most affected.[57]

[54] Labores mineras, petroleras, extracción de madera etc.

[55] Provisión de alimentos, hospedaje, lavandería, etc.

[56] La tasa nacional de analfabetismo fue de 6.2% en 2013.

[57] Informe Defensorial sobre Afroperuanos, 2011.

C. Rural women

74. The Working Group notes with concern the extreme vulnerability of women in rural areas and in particular their limited access to ownership of land. Women own only 21 per cent of the agricultural land in Peru. Furthermore, 27.3 per cent of women farmers are illiterate, a figure three times higher than that for men farmers (8.7 per cent).[58] One of the main reasons why women cannot obtain loans is their lack of title deeds and they still do not enjoy the same level of access to technical assistance as men: in 2012, 11.5 per cent of men, but only 7 per cent of women, received technical assistance.

75. While the net secondary school attendance rate for both sexes is 85.7 per cent in urban areas (86.6 per cent for girls and 84.7 per cent for boys), in rural areas the figure is 71.4 per cent for girls and 71.1 per cent for boys;[59] this shows the huge disparities between women in different geographical areas. The secondary school completion rate for girls aged between 17 and 18 years is 77 per cent in urban areas and only 43 per cent in rural areas.[60] Women working in rural areas are the most vulnerable; only 4.7 per cent have pensions while the corresponding figure for women working in urban areas is 32.1 per cent.

D. Women victims of violence

76. It is unanimously agreed that violence against women is a serious and widespread issue, requiring urgent action at all levels. The Working Group was informed that women and girls are subjected to violence in all spheres of life - at home, at school, in the workplace and in public spaces. According to the 2013 Demographic and Family Health Survey, at the national level, 71.5 per cent of women currently or formerly involved in an intimate relationship have been victims of some form of partner violence, be it sexual (8.4 per cent), physical (35.7 per cent) or psychological (67.5 per cent). Although the overall level of violence registered has fallen by 5.4 per cent compared to 2009 (76.9 per cent), the fact that Peru is one of the countries in the region most affected by gender-based violence gives cause for concern. According to information provided by the Economic Commission for Latin America and the Caribbean, in 2013 alone, 83 women were murdered by their partners or former partners in Peru and the country has the second-highest rate of such offences in Latin America. According to the Ministry for Women and Vulnerable Groups, only 4 out of 10 cases are actually reported. Consequently, Peru has one of the highest rates of violence against women in the region.

77. The Government's approach to the various forms of violence against women has been fragmented, consisting of a series of stand-alone legal measures and programmes. Furthermore, Peru has not yet brought its Criminal Code into line with the Rome Statute of the International Criminal Court, under which a wide range of offences of sexual violence are categorized as crimes against humanity.

78. The Public Prosecution Service has adopted a gender-based approach to sexual offences. However, the approach has not been effectively applied to the gathering of evidence, including forensic evidence, and the arrest, trial and punishment of alleged perpetrators by all the actors involved in the criminal justice process, including the police and the judiciary.

[58] Informe LIO 2013, MIMP

[59] Informe de Seguimiento Beijing +20

[60] Informe de Seguimiento Beijing +20

79. Although progress has been made at the official level and there is political support for action to tackle violence against women, this is not matched by a corresponding level of budgetary funding or by a policy shift ensuring prevention, quality care and access to justice. Many interviewees pointed to the continued existence of widespread traditional patriarchal attitudes and values (machismo), which perpetuate a culture of violence against women.

80. The Working Group also notes with concern allegations of violations of the rights of lesbians, who are subjected to discrimination, high levels of violence, harassment, stigmatization and exclusion. During its visit, the Working Group noted that this group is completely ignored and was barely referred to. The State has not yet developed an appropriate approach to the situation of vulnerability affecting lesbians, and bisexual and transgender women.

VI. Good practices

81. The Working Group welcomes the Ministry of Women and Vulnerable Groups' initiative to encourage private companies to prevent violence through the award of the Safe, gender-based violence and discrimination-free company label, designed to strengthen actions to prevent violence against women. The label is awarded in recognition of good practices in the private sector in the fields of gender equality and gender-based violence prevention. The scheme shows recognition for the fact that violence has an impact on women's overall well-being, performance at work and productivity. In 2013, the Ministry of Women and Vulnerable Groups awarded the label for the first time to 7 companies, along with 16 distinctions. In addition, more evidence of the costs incurred by companies as a result of violence against women has been produced.

82. The Working Group also draws attention to the integration of women into community organizations, such as the Qali Warma National School Meals Programme. Capacity-building work has been carried out with women working for communal kitchens, such as the Federation of Women Working for Independent Community Kitchens and Related Bodies in Metropolitan Lima. These women work with populations in situations of extreme poverty and promote women's human rights.

VII. Conclusions and recommendations

A. Conclusions

83. **In recent years, Peru has made considerable efforts and progress in terms of gender equality and the empowerment of women in areas such as the strengthening of the legal and institutional framework. However, the Working Group has identified a gap between the rhetoric and the reality. Although, in law, women have the right to equal treatment in public, political and economic life, there are no effective mechanisms in place to enable them to file complaints of discrimination.**

84. **Women in Peru have been oppressed and silenced by the prevailing culture of religious conservatism and machismo, which undermines their well-being and especially the full realization of their sexual and reproductive rights. Violence against women is a scourge that persists thanks to a high level of impunity and social acceptance. Furthermore, the huge gender gap affects in particular women and girls living in poverty, indigenous women living in rural areas in the highlands and in the Amazon region, women of African descent and women with**

disabilities. Racism and stereotypes deeply rooted in Peruvian society and disseminated through the media, targeting indigenous, campesino and Afro-Peruvian communities in particular, are also major obstacles to the achievement of equality.

B. Recommendations

85. In a spirit of cooperation and collaboration, the Working Group makes the following recommendations to the Government of Peru with a view to strengthening measures designed to guarantee gender equality, and the protection and promotion of women's human rights.

86. With regard to legislation, the Working Group recommends that the Government should:

(a) Approve a comprehensive law on violence against women, including interculturally appropriate prevention, protection and rehabilitation mechanisms, and increased budgetary funding to tackle this scourge;

(b) Decriminalize abortion in cases of rape, incest or risk to the mental health of the mother and in cases of non-viable foetuses. Exceptions should also be made for pregnant girls under the age of 16 years, given the high risk to their health;

(c) Ensure distribution of free emergency contraception and free and systematic access to contraceptives;

(d) Include sexual orientation and gender identity as legally protected categories;

(e) Adopt bills to increase the scant participation of women in public life, including the bill amending quota requirements through the rotation of candidates on electoral lists on the basis of gender and the bill on the prevention and penalization of political harassment. Reconsider new bills on quotas for the membership of the Constitutional Court and the appointment of judges and magistrates;

(f) Adopt a comprehensive legal framework covering labour issues, including urgent measures to guarantee decent work for all women workers, enacting a law on equal employment opportunities accompanied by effective implementation mechanisms;

(g) Ratify the ILO Domestic Workers Convention, 2011 (No. 189) and adopt legislative reforms to protect domestic workers. Immediately implement the minimum wage and guarantee health insurance for all domestic workers;

(h) Ensure that laws and policies formulated at the national level that affect women and girls are systematically tailored to the actual needs of all groups of women, in particular those living in rural areas.

87. As to the institutional framework, the Working Group recommends that the Government should:

(a) Ensure appropriate budgetary funding and greater intersectoral coordination and joint monitoring, involving all the relevant ministries and bodies, in order effectively to implement laws and policies on the promotion and protection of women's rights and gender equality;

(b) Ensure that women's emergency centres have the human and financial resources required to provide the necessary services;

(c) Ensure that abortion services are made available and provide women with access to quality post-abortion care, in particular in cases involving complications arising from unsafe abortions;

(d) Implement all the measures requested as a part of the decisions of the Committee on the Elimination of Discrimination against Women and the Human Rights Committee in the cases *L.C. v. Peru* and *K.L. v. Peru*.

88. **As to access to justice, the Working Group recommends that the Government should:**

(a) Ensure access to the formal justice system for all women on a non-discriminatory basis, by removing financial and linguistic barriers and providing appropriate and sustained funding for the training of members of the judiciary and ensuring that they are more gender-sensitive;

(b) Establish a centralized statistics system that makes it possible to build up an accurate picture of women's access to justice, in particular relating to the number of reported cases that are judged and the proportion that are discontinued;

(c) Increase the number of women in the police force and at the highest levels of the judicial system;

(d) Ensure the prosecution of and reparation for acts of sexual violence — in particular those committed during the internal conflict — revise and improve the system for the award of reparations, including collective reparations, and implement measures requested by the victims themselves, such as health, symbolic, collective and educational reparations.

89. **As to policies, the Working Group recommends that the Government should:**

(a) As a matter of urgency, create jobs for women in the formal sector;

(b) Ensure that policy initiatives result in lasting improvements;

(c) Develop essential services to encourage women's economic participation (such as adequate public childcare), taking into account women's specific needs in terms of schedules, distances to be travelled and languages used to deliver training;

(d) Extend the coverage of the social welfare system to include the right to family and child benefits, maternity, sickness and disability payments and an old-age pension;

(e) Ensure access to health-care services, including preventive services for all women, and in particular for women in precarious social and economic situations;

(f) Strengthen the adolescent pregnancy prevention strategy, ensuring that sex education is provided from primary school level onward and providing differentiated sexual and reproductive health services for adolescents in health centres accessible without parental consent;

(g) Invest heavily in education, in particular in remote areas, in order to ensure that girls remain in and complete secondary school education, and consider alternative measures, such as State-funded boarding schools for girls, in order to provide them with a safe environment and empower them;

(h) Develop and implement educational programmes in a sustainable manner, with the support of the media, in order to make possible an in-depth

cultural transformation that will empower women and lead to the creation of a culture of equal opportunities for men and women, rather than simply carrying out awareness-raising campaigns on an occasional basis;

(i) Ensure that basic curricula at all levels of the education system cover the right of women to equal treatment, equal responsibility sharing between men and women relating to childrearing and domestic chores and the prohibition of all forms of violence against women;

(j) Ensure the participation of indigenous women in forums for the design, implementation and assessment of public policies through the setting up of mechanisms for dialogue with organizations of indigenous women, taking into account the persistence of discriminatory practices relating to the traditional way in which campesino and indigenous communities elect their representatives;

(k) Take into account indigenous women's needs and interests as a part of all social investment programmes under which benefits or compensatory payments for harm suffered as a result of the activities of the extractive industries are awarded, including solutions based on resettlement and training;

(l) Implement cross-cutting policies and programmes to tackle multiple discrimination affecting various groups of vulnerable women, in particular indigenous women, women in the Andean and Amazon regions, women of African descent, lesbians, women living in rural areas and women with disabilities;

(m) Overhaul the system for the collection of gender statistics.